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Paper No. 4

William H. Dippert  
Reed Smith LLP  
375 Park Avenue  
New York, NY 10152

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JUN 24 2002

**OFFICE OF PETITIONS**

In re Application of  
Dov Ingman  
Application No. 10/053,393  
Filed: November 9, 2001  
Attorney Docket No. 158/02451

DECISION GRANTING  
PETITION

This is a decision on the petition filed May 28, 2002, requesting that the above-identified application be accorded a filing date of November 9, 2001, rather than the presently accorded date of November 7, 2001. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Applicant requests the later filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on November 9, 2001 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EL432143341US showing an illegible handwritten "date-in" as well as an illegible "USPS" receipt stamp. The same Express Mail receipt number appears on the Certificate of Mailing by "Express Mail" dated November 9, 2001.

The Office has obtained records from the USPTO's USPS Express Mail Information Database corroborating petitioner's allegations that the application papers were, in fact, deposited as "Express Mail" on November 9, 2001 (copy enclosed).

A corrected filing receipt showing the filing date of the instant application accompanies the decision.

This application file is being forwarded Technology Center 3700 for examination in due course.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

*Brian Hearn*

Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
For Patent Examination Policy

ATTACHMENTS: Corrected Filing Receipt  
Copy of USPTO USPS Express Mail Information Database